

Marianne T. O'Toole
Chapter 7 Trustee
20 Valley Road, Suite One
Katonah, NY 10536
(914) 232-1511

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEWYORK

-----X

In re:

Chapter 7

Zev Lewinson,

Case No. 09-24078 (RDD)

Debtor

-----X

**AFFIRMATION IN SUPPORT OF MOTION TO DISMISS CHAPTER 7
CASE 11 U.S.C. § 707 AND 11 U.S.C. § 521(i)(1)**

I, Marianne T. O'Toole, having been appointed by the United States Trustee to serve as the interim trustee in the above-captioned case and having qualified as permanent trustee, affirm as follows:

1. This affirmation is made in support of a motion for an order dismissing this case for cause under 11 U.S.C. § 707 and 11 U.S.C. § 521 (i)(1).
2. On November 4, 2009, the debtor commenced this case by filing a petition under Chapter 7 (the "Petition date").
3. The debtor appeared and submitted to an examination, as required by 11 U.S.C. § 343, at the meeting of creditors held pursuant to 11 U.S.C. § 341(a) on December 10, 2009. Prior to the hearing, by facsimile dated December 2, 2009, and/or at the hearing, I requested the following:
 - a. Copies of Debtor's 2007 and 2008 State Tax Returns including W-2 forms for both years
 - b. Pay Advices/stubs for the sixty day period prior to the filing of the bankruptcy Petition for Debtor's employment with Clifton Cheder.
 - c. An Affidavit from Debtor indicating the income, compensation and/or monies he received from any source for the sixty day period prior to the filing of the bankruptcy Petition (other than employment with Clifton Cheder).

- d. Provide the first name of Mr. Gross as well as the address for Stanley Kops, Esq.
 - e. Copy of Letter and/or Invoice for diamonds purchased from Empire Diamond Corp.
 - f. Copy of the HUD for the sale of Miami Beach, Florida property
 - g. Amend the Statement of Financial Affairs to list lawsuit by Hold Hill & Co. and provide copies of the pleadings and disposition
 - h. Copy of Contractual Arrangement with CBS Radio, Inc.
 - i. Copies of bank statements, including cancelled checks, for Debtor's wife's Wachovia bank account for the one year period prior to the bankruptcy filing (November 4, 2008 through November 4, 2009).
 - j. Copy of the last filed tax return for Cyberdiamond, Ltd.
 - k. Documentation Debtor received from the State re: taxes
4. On February 3, 2010 a written request was sent to the Debtor's attorney indicating that the requests for documentation were still outstanding. To date, Debtor has failed to provide the requested documentation making it impossible to diligently inquire about the debtor's financial affairs and locate potential estate property. See Written Demands dated December 2, 2009 and February 3, 2010 attached as Exhibit A.
5. The foregoing constitutes cause to dismiss a Chapter 7 case under 11 U.S.C. § 707(a) and 11 U.S.C. § 521(i)(1).

Dated: Katonah, New York
April 7, 2010

By: /s/ Marianne T. O'Toole
Marianne T. O'Toole
Chapter 7 Trustee

EXHIBIT A

MARIANNE T. O'TOOLE, LLC
20 Valley Road, Suite One
Katonah, NY 10536
Telephone (914) 232-1511
Fax: (914) 232-1599

Date: December 2, 2009

VIA FACSIMILE

THIS OFFICE DOES NOT ACCEPT FAXES OVER TEN (10) PAGES

To: Robert S. Lewis, Esq. @ (845) 353-6943

From: Marianne T. O'Toole, Chapter 7 Trustee

Re: In re Zev Lewinson
Case No. 09-24078 RDD

I am the Chapter 7 Trustee appointed in the above bankruptcy petition. In connection with the 341(a) Hearing scheduled for 12/10/09 at 10:30 AM, please submit the following document(s) in advance of the scheduled hearing.

- (x) Copies of signed New York State Tax Returns for the years 2007 and 2008 and W-2 forms for both years.
- (x) Pay advices/stubs for the sixty day period prior to the filing of the bankruptcy Petition
- () Copy of Certificate of Credit Counseling
- (x) Valuation of automobile and certificate of title for 2001 KIA.
- () Appraisal of Real Property located at _____
- () Copy of documentation regarding life insurance policy reflecting the value as of the date of the filing of the bankruptcy Petition.
- () Copy of documentation regarding IRA, 401K, Pension Plan, and any outstanding loans associated with these accounts as of the date of the filing of the bankruptcy Petition.
- (x) An Affidavit from Debtor(s) indicating the income, compensation and/or monies received from any source for the sixty day period prior to the filing of the bankruptcy Petition.
- () Any and all Books and Records of the Debtor's business including, but not limited to, bank statements, ledgers, invoices, accounts receivable records and payroll records for the two years prior to the filing of the bankruptcy Petition.
- (x) All documents regarding the Debtor's interest in Rymer Corp. of Route 50 and Rymer Corp. of Oklahoma.

MARIANNE T. O'TOOLE
United States Bankruptcy Trustee
20 Valley Road, Suite One
Katonah, New York 10536
Telephone: (914) 232-1511

February 3, 2010

(VIA FACSIMILE (845) 353-6943)

Robert S. Lewis, Esq.
53 Burd Street
Nyack, NY 10960

Re: In re Zev Lewinson, Case No. 09-24078 (RDD)

Dear Mr. Lewis:

As you are aware Marianne T. O'Toole is the Chapter 7 Trustee in the above referenced matter.

The Trustee awaits the following documentation requested at the 341 Hearing held on December 10, 2009 and/or by facsimile dated December 2, 2009:

1. Copies of Debtor's 2007 and 2008 State Tax Returns including W-2 forms for both years
2. Pay Advices/stubs for the sixty day period prior to the filing of the bankruptcy Petition for Debtor's employment with Clifton Cheder.
3. An Affidavit from Debtor indicating the income, compensation and/or monies he received from any source for the sixty day period prior to the filing of the bankruptcy Petition (other than employment with Clifton Cheder).
4. Provide the first name of Mr. Gross as well as the address for Stanley Kops, Esq.
5. Copy of Letter and/or Invoice for diamonds purchased from Empire Diamond Corp.
6. Copy of the HUD for the sale of Miami Beach, Florida property
7. Amend the Statement of Financial Affairs to list lawsuit by Hold Hill & Co. and provide copies of the pleadings and disposition
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9. Copies of bank statements, including cancelled checks, for Debtor's wife's Wachovia bank account for the one year period prior to the bankruptcy filing (November 4, 2008 through November 4, 2009).
10. Copy of the last filed tax return for Cyberdiamond, Ltd.
11. Documentation Debtor received from the State re: taxes

Your immediate attention to this matter is requested.

While await the requested documents, please sign the attached Stipulation which will extend the Trustee's time to object to the debtor's discharge or move to dismiss through and including April 8, 2010. Kindly fax the executed Stipulation to this office at (914) 232-1599 as soon as possible. In the absence of the executed Stipulation, the Trustee will be constrained to either object to the discharge and/or move to dismiss.

The Trustee's investigation of this matter is continuing and your continued cooperation is appreciated.

Very truly yours,

A handwritten signature in black ink that reads "Toni Bravato". The signature is written in a cursive, flowing style.

Toni Bravato
Paralegal